

## **REMARKS**

### **I. Introduction**

Claims 1 – 37 are pending in the application. The following are issues set out in the current Office Action:

- 1) Claims 1 – 3, 5 – 15, 17 – 27, and 29 – 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,763,333 (filed Dec. 11, 2000, issued Jul. 13, 2004) to Jones et al. (hereinafter “Jones”) in view of U.S. Patent 6,493,695 to Pickering (filed Sep. 29, 1999, issued Dec. 10, 2002) (hereinafter “Pickering”).
- 2) Claims 4, 16 and 28, are objected to as being dependent on a rejected base claim.

### **II. Applicant’s Statement of the Substance of Interview**

Applicant thanks Examiner for taking part in an interview regarding the current rejections in this application. Applicant submits the following record of the telephone interview of February 07, 2008, under M.P.E.P. § 713.04.

The following persons participated in the interview: Examiner Patrice Winder, Applicant’s attorneys R. Ross Viguet and Wayne Livingstone. The participants discussed the independent claims in reference to the applied art. Examiner Winder pointed out that the claim language did not specifically recite the source of the “communication” in the claims and how that “communication” was initially processed. Applicant’s attorneys indicated that Applicant intended to file a Request for Continued Amendment and Amendment in view of the interview.

### **III. Amendments to the Claims**

Applicant has amended claims 1, 13 and 25 to recite “customer communications” instead of “communications.” Additionally, claims 1, 13 and 25 have been amended to show steps that occur before extracting the customer communication. Support for the amendments to claims 1, 13 and 25 may be found, at least, at page 3, lines 9 – 32; page 9, line 25 – page

10, line 2. Accordingly, no new matter has been added by this amendment. In addition to the amendments to the independent claims, the dependent claims have been amended to track the changes to the independent claims.

Claims 4, 16 and 28 have been amended to be independent claims. As such, the objections to these claims being dependent on a rejected base claim is not now moot. To provide proper antecedents, claims 11, 23 and 35 have been amended to depend from claims 5, 17 and 29 respectively.

#### **IV. Rejections under 35 U.S.C. § 103(a)**

Claims 1 – 3, 5 – 15, 17 – 27, and 29 – 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Jones” in view of Pickering. The differences between claims and the applied art is one of the factors to be considered in determining obviousness. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 15 - 17 (1966). The currently rejected claims are not obvious in view of the applied art, at least, because of the differences between the applied art and the rejected claims. The rejected claims, in view of the art, are discussed below.

##### **A. Dependent claims 1, 13 and 25**

Claim 1 requires, “designating at least one of said customer communications as aged . . . .” Claim 13 requires, “means for designating at least one of said customer communications as aged . . . .” Claim 25 requires, “wherein a customer communication designated as aged based on a set of predetermined escalation criteria . . . .” These limitations are not taught in either Jones or Pickering. In Jones, the time taken to properly address a trouble ticket is monitored so that appropriate alerts may be sent to management. *Abstract*; col. 1, lines 56 – 60. Jones, however, does not disclose that a customer communication is ever designated as aged.

Pickering also does not teach a customer communication is designated as aged. In fact, Pickering is directed to assigning customer interactions to agents based on customer data, not based on age. *See Abstract*; col. 2, lines 59 – 67. In sum, Jones and Pickering, individually or together do not teach the limitation of claim 1 requiring designating at least one customer communication as aged or the similar requirements of claims 13 and 25.

Amended claim 1 requires “extracting the aged customer communication from the plurality of shared file folders [and] routing the aged customer communication with an escalation service to an immediate workflow . . . .” Similarly, amended claim 13 requires “means for extracting an aged customer communication [and] means for routing the aged customer communication with an escalation service to an immediate workflow. . . .” Amended claim 25 recites, “wherein an aged customer communication is extracted from the plurality of shared file folders based on a set of predetermined escalation criteria [and] an escalation service coupled with the plurality of shared file folders such that the escalation service routes the aged customer communication to an immediate workflow . . . .”

Neither Jones nor Pickering teaches these limitations of claims 1, 13 and 25. Jones is a “management tool to alert recipients of trouble tickets having exceeded predefined time interval(s) without service resolution or repair.” Col. 5, lines 42 – 44. As such, in Jones, customers or subscribers experiencing trouble with services may contact personnel at service centers. Col. 6, lines 37 – 41. “The service center personnel then generates a trouble report or ticket and transmits the trouble ticket into the ticket reporting and tracking system . . . .” *Id.* Subsequently, information pertaining to the trouble ticket may be sent to management in a notification. *See* col. 11, lines 39 – 50. Jones merely discloses that information from the customer is used to generate a trouble ticket. Jones does not disclose extracting and routing of the customer communication, as required in claim 1. Jones, therefore, does not teach the similar limitations in claims 13 and 25.

Pickering also fails to teach the limitations at issue. Instead of teaching the limitations at issue, Pickering teaches that when customer interactions are received, customer data are extracted. *See* Abstract. The extracted customer data are then applied to a rule based engine which selects agent based on customer data. *Id.* Pickering is concerned with assigning customer interactions to agents based on the customer data. Col. 3, lines 12 – 16. Pickering does not disclose “extracting the aged customer communication from the plurality of shared file folders, wherein the plurality of shared file folders are configured in a central processing area of the contact center [and] routing the aged customer communication with an escalation service to an immediate workflow . . . .” as required in claim 1 and the similar limitations recited in claims 13 and 25. Accordingly, Jones and Pickering, individually or together do not teach all the limitations of claims 1, 13 or 25.

B. Claims 2 – 3, 5 – 12, 14, 15, 17 – 24, 26, 27 and 29 – 37

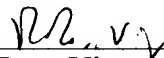
Claims 2 – 3, 5 – 12 depend from claim 1 and inherit the limitations of claim 1. Claims 14, 15, 17 – 24 depend from claim 13 and inherit the limitations of claim 13. Claims 26, 27 and 29 – 37 depend from claim 25 and inherit the limitations of claim 25. As discussed above, claims 1, 13 and 25 are patentable over the applied art. Therefore, claims 2 – 3, 5 – 12, 14, 15, 17 – 24, 26, 27 and 29 – 37 are patentable over the applied art.

## V. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance. The fee due with this response accompanies this document. If any further fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P152CP1/10613139 from which the undersigned is authorized to draw.

Dated: February 21, 2008

Respectfully submitted,

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